

REMARKS

Applicants propose to amend claims 1, 11, and 12, and cancel claims 4, 8, 9, 16, 20, and 21 without prejudice or disclaimer of their subject matter. Support for the amendments can be found in, for example, Fig. 2. Upon entry of the amendments, claims 1-3, 5-7, 10-12, 14, 15, and 17-19 will be pending.

In the Final Office Action,¹ the Examiner rejected claims 1-3, 5-9, 11, 12, 14, 15, and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,594,683 to Furlani et al. ("*Furlani*") in view of U.S. Patent No. 7,028,287 to Bak et al. ("*Bak*"); rejected claims 4 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Bak* and U.S. Patent No. 5,566,391 to Lenz ("*Lenz*"); and rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Bak* and Applicants' admitted prior art ("*AAPA*").

The rejection of claims 4, 8, 9, 16, 20, and 21 will be rendered moot upon entry of the proposed cancellation of these claims.

Rejection of Claims 1-3, 5-9, 11, 12, 14, 15, and 17-21 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-3, 5-9, 11, 12, 14, 15, and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Bak*. A *prima facie* case of obviousness has not been established.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art, case law, and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

“The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.”

M.P.E.P. § 2141(III) (8th ed., rev. 7, July 2008). “[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

(A) [Determining the scope and content of the prior art;]

(B) Ascertaining the differences between the claimed invention and the prior art;
and

(C) Resolving the level of ordinary skill in the pertinent art.”

M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1, as proposed to be amended, recites a data structure comprising, among other things, “the first lock object comprising a table with at least two columns, a first column for storing IDs of data objects and a second column for storing links to the second storage location” and “the second lock object comprising a one-dimensional data array of IDs of data objects.”

The Examiner alleges that group lock object 303 of *Furlani* corresponds to the claimed “first lock object” and that reference lock object 301 of *Furlani* corresponds to the claimed “second lock object.” Final Office Action at 4. The Examiner’s allegations are incorrect.

Group lock object 303 of *Furlani*, as illustrated in Fig. 3, does not comprise “a table with . . . a first column for storing IDs of data objects and a second column for storing links to the second storage location,” as recited in claim 1. Therefore, group lock object 303 of *Furlani* cannot constitute the “first lock object” of claim 1.

Furthermore, reference lock object 301 of *Furlani*, as illustrated in Fig. 3, does not comprise “a one-dimensional data array of IDs of data objects,” as recited in claim 1. Therefore, reference lock object 301 of *Furlani* cannot constitute the “second lock object” of claim 1.

In addition, claim 1 recites a data structure comprising, among other things, “a first lock object, in which the ID is stored” and “a second lock object, in which the ID is stored.” Accordingly, both the “first lock object” and the “second lock object” store the same ID.

In contrast, reference lock object 301 of *Furlani* stores max lock object ID 313, whereas group lock object 303 stores lock object ID 325. That is, reference lock object 301 and group lock object 303 store different IDs. For at least this additional reason, *Furlani* fails to teach or suggest the “first lock object” and “second lock object” of claim 1.

Moreover, the Examiner alleges that “Bak . . . discloses assigning a link to a storage location storing a copy of a data object.” Final Office Action at 5. Regardless of whether the Examiner’s allegation is correct, which it is not, *Bak* fails to teach or suggest “the first lock object comprising a table with at least two columns, a first column for storing IDs of data objects and a second column for storing links to the second

storage location” and “the second lock object comprising a one-dimensional data array of IDs of data objects,” as recited in claim 1. *Bak* thus fails to cure the deficiencies of *Furlani*.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claim 1 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim 1 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claims 11 and 12, although different in scope from claim 1, are allowable for at least the same reasons given above with respect to claim 1. In addition, claims 2, 3, 5-7, 14, 15, and 17-19 are allowable at least due to their dependence from one of allowable independent claims 1, 11, and 12. Claims 8, 9, 20, and 21 are proposed to be canceled. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 5-9, 11, 12, 14, 15, and 17-21 under 35 U.S.C. § 103(a).

Rejection of Claim 10 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Bak* and *AAPA*. A *prima facie* case of obviousness has not been established.

As discussed above, *Furlani* and *Bak* fail to teach or suggest the “first lock object” and “second lock object” of claim 1, which are required by dependent claim 10.

The Examiner alleges *AAPA* discloses elements of claim 10. Final Office Action at 8. Regardless of whether the Examiner's allegation is correct, which it is not, *AAPA* fails to teach or suggest the "first lock object" and "second lock object" of claim 1, which are required by claim 10. Thus, *AAPA* fails to cure the deficiencies of *Furlani* and *Bak*.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claim 10 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim 10 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 10. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 10 under 35 U.S.C. § 103(a).

CONCLUSION

Applicants respectfully request that the Examiner enter the above amendments under 37 C.F.R. § 1.116, placing the pending claims in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this response should allow for immediate action by the Examiner.

Applicants further submit that the entry of the amendments would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____


Peter C. Yi
Reg. No. 61,790
202.408.4485